

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
) Cr. No. 94-10287-MLW
v.)
)
)
FRANCIS P. SALEMME,)
)
)
) Defendant

ORDER

WOLF, D.J.

December 5, 2012

The court has reviewed the Government's Submission Relating to Discovery Matters Referenced in Court Order Dated November 6, 2012. The court has not previously authorized for the purposes of any other case the disclosure by the government of transcripts that are under seal in this case without a further order of this court. See e.g., Feb. 28, 2005 Order ¶3; Feb. 4, 2002 Order ¶3. Therefore, the government's proposal concerning transcripts exceeds its current authority. In addition, the court does not know which sealed documents the government proposes to disclose and, therefore, whether such disclosure is necessary or appropriate. Accordingly, it is hereby ORDERED that:

1. The government shall, by December 11, 2012, provide the court with the sealed transcripts and documents that it proposes to disclose if authorized to do so by the court, with a copy of the protective order issued by Judge Richard Stearns to which it proposes they be subject.
 2. Defendant James Bulger and his counsel shall, by December

11, 2012, state that they understand that the disclosure of any sealed transcripts and documents in this case shall be subject to:

a) The protective order issued in this case, see United States v. Salemme, 978 F. Supp. 386, 389-90 (D. Mass. 1997), with modifications that the court will issue that will restrict the use of any disclosed transcripts, documents, and information to litigating the case before Judge Stearns; and

b) The protective order issued by Judge Stearns.

3. The November 6, 2012 Order remains in effect. Therefore, among other things, the government may not disclose any transcripts or documents that are under seal in this case without further order of this court.

4. The Deputy Clerk shall obtain the sealed documents that the government wishes to review for possible disclosure. The court will review them before deciding whether the government's request for copies should be allowed.

/s/ Mark L. Wolf
UNITED STATES DISTRICT COURT